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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/913,924 | 08/20/2001 | Jeffery M. Zaleski | 212691 | 5503 |

23460 7590 08/05/2003

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| EXAMINER |
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FORD, JOHN M

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| ART UNIT | PAPER NUMBER |
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1624

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|---|-------------------------------------|--------------------------------|
| Office Action Summary | Application No. <i>09/913924</i> | Applicant(s) <i>Zaleski</i> |
| | Examiner <i>J. M. Ford</i> | Group Art Unit <i>1624</i> |
| <i>—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—</i> | | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | |
| - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). | | |
| Status <input checked="" type="checkbox"/> Responsive to communication(s) filed on <i>June 11, 2003</i> <input type="checkbox"/> This action is FINAL. <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 1 1; 453 O.G. 213. | | |
| Disposition of Claims <input checked="" type="checkbox"/> Claim(s) <i>1 -- 116</i> is/are pending in the application. Of the above claim(s) <i>2-4, 2-36 and 41-116</i> is/are withdrawn from consideration. <input type="checkbox"/> Claim(s) _____ is/are allowed. <input checked="" type="checkbox"/> Claim(s) <i>1</i> is/are rejected. <input type="checkbox"/> Claim(s) <i>5-7, 37-40</i> is/are objected to. <input type="checkbox"/> Claim(s) _____ are subject to restriction or election requirement. | | |
| Application Papers <input type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. <input type="checkbox"/> The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved. <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner. <input type="checkbox"/> The specification is objected to by the Examiner. <input type="checkbox"/> The oath or declaration is objected to by the Examiner. | | |
| Priority under 35 U.S.C. § 119 (a)-(d) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). <input type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received. <input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____ <input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: _____ | | |
| Attachment(s) <input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ <input type="checkbox"/> Interview Summary, PTO-413 <input type="checkbox"/> Notice of Reference(s) Cited, PTO-892 <input type="checkbox"/> Notice of Informal Patent Application, PTO-152 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948 <input type="checkbox"/> Other _____ | | |
| Office Action Summary | | |

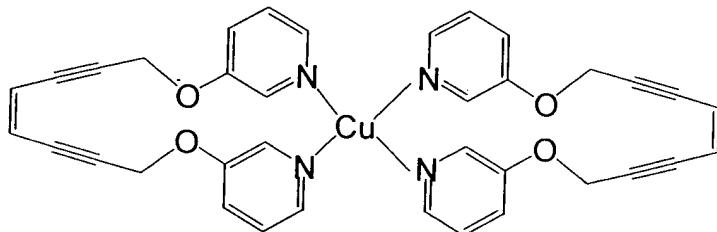
Applicants' response of July 11, 2003, is noted.

Applicants elected claims 1—40, without traverse.

Therefor, claims 41—116 stand withdrawn under 37 CFR 1.142 (b).

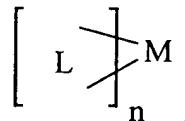
Figure Drawing Sheet 7 is blurred, and indefinite cols. 3 and 5 have double bars.

Applicants further elected the species.



The following claim 1 is considered a reasonable extension of that species to a genus.

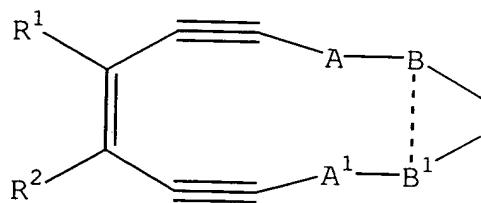
1. A compound of the formula:



wherein M is a metal selected from the group consisting of Ti, V, Mn, Fe, Co, Ni, Cu, Zn, Ga, Tb, Eu, Gd, Dy, Lu, Zr, Nb, Mo, Te, Ru, Rh, Pd, Ag, Sn, Ta, W, Re, Os, Ir, Pt, and Au;

n is an integer from 1-3;

L is a ligand of the formula:



wherein A and A₁ are the same or different and each is independently (CR₁₂R₁₃)_n, wherein m is an integer from 0 to 6 and wherein R₁₂ and R₁₃ are the same or different and each is hydrogen, halogen, nitro, cyano, azido;

B and B₁ are the same or different and each is a nitrogen-, oxygen-, or sulfur-capable of complexing with M, wherein the dotted line between B and B₁ represents an optional covalent bond linking B and B¹ together;

R₁ and R₂ are the same or different and each is independently a hydrogen, a linear or branched alkyl, an aralkyl, an aryl, a halogen, a nitro, or a cyano, or R₁ and R₂ together with the carbons to which they are bonded comprise an aryl; wherein when n is 1 or 2.

Claims 2—4 stands withdrawn as being outside a reasonable extension of the elected species.

Claims 5—7 would appear acceptable, but are only objected to as dependent on a non-allowable claim.

The terms removed from the pending claim 1 do not meet 35 U.S.C. 112, 1st or 2nd paragraph, or are outside the invention elected.

Claims 8—36 include compounds outside a reasonable extension of the elected species. Therefore, they stand withdrawn.

Claims 37—40 are objected to only as being dependent on a ejected claim.

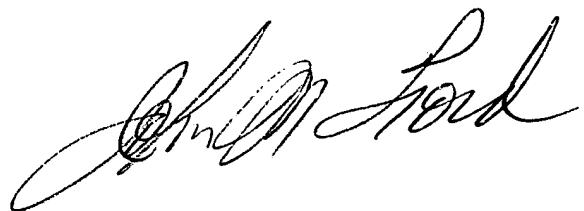
No 1449 can be found upon which to indicate consideration of the art in the file.

Art Unit: 1624

No "Abstract" can be found.

John M. Ford: jmr

July 31, 2003



JOHN M. FORD
PRIMARY EXAMINER

